

Filed for intro on 01/28/2002

HOUSE BILL 2494

By Bowers

AN ACT to amend Tennessee Code Annotated, Section 36-6-404 and Section 36-6-101, relative to child custody.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following language:

(2)(A) At the request of either parent, the court shall order a custody arrangement with the primary residential designation alternating between parents. The order shall reflect a substantially equal schedule in which the child or children reside with each parent for time intervals of not less than six (6) months. If a court finds that either parent has a long-term history of emotional or physical abuse of the child or children or the other parent, or if one parent does not encourage a positive relationship between the child and the other parent, unless there is a preponderance of evidence to the contrary, the court shall designate the non-offending parent as the permanent primary caregiver. A court may deviate from this subdivision if clear and convincing evidence shows it places a child in danger of severe harm. This subdivision applies to all standing and future custody orders, and for determining a substantially equal parenting schedule this

shall include the division of parenting time from when a court first assumes jurisdiction of a child.

SECTION 2. Tennessee Code Annotated, Section 36-6-101(a)(2), is amended by adding the following as a new, appropriately designated subdivision:

(B) The non-residential parent shall be allowed the maximum time for participation in parental activities.

SECTION 3. Tennessee Code Annotated, Section 36-6-404, is amended by adding the following as subsection (d):

At the request of either parent, the court shall order a custody arrangement with the primary residential designation alternating between parents. The order shall reflect a substantially equal schedule in which the child or children reside with each parent for time intervals of not less than six (6) months.

SECTION 4. This act shall take effect July 1, 2002, the public welfare requiring it.